

FIRST REGULAR SESSION
[TRULY AGREED TO AND FINALLY PASSED]
CONFERENCE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 47

95TH GENERAL ASSEMBLY
2009

0192S.04T

AN ACT

To repeal sections 43.060, 57.010, 306.227, and 590.030, RSMo, and to enact in lieu thereof four new sections relating to certain law enforcement personnel.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Sections 43.060, 57.010, 306.227, and 590.030, RSMo, are
2 repealed and four new sections enacted in lieu thereof, to be known as sections
3 43.060, 57.010, 306.227, and 590.030, to read as follows:

43.060. 1. Patrolmen and radio personnel shall not be less than
2 twenty-one years of age. No person shall be appointed as superintendent or
3 member of the patrol or as a member of the radio personnel who has been
4 convicted of a felony or any crime involving moral turpitude, or against whom any
5 indictment or information may then be pending charging the person with having
6 committed a crime, nor shall any person be appointed who is not of good
7 character or who is not a citizen of the United States and who at the time of
8 appointment is not a citizen of the state of Missouri; or who [is not a graduate of
9 an accredited four-year high school or in lieu thereof] **has not completed a**
10 **high school program of education under chapter 167, RSMo, or who has**
11 **not obtained a General Educational Development (GED) certificate [of**
12 **equivalency from the state department of elementary and secondary education or**
13 **other source recognized by that department], and who has not obtained**
14 **advanced education and experience as approved by the superintendent,**
15 or who does not possess ordinary physical strength, and who is not able to pass

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

16 the physical and mental examination that the superintendent prescribes.

17 2. Except as provided in subsections 3 and 4 of this section, no member
18 of the patrol shall hold any other commission or office, elective or appointive,
19 while a member of the patrol, except that the superintendent may authorize
20 specified members to accept federal commissions providing investigative and
21 arrest authority to enforce federal statutes while working with or at the direction
22 of a federal law enforcement agency. No member of the patrol shall accept any
23 other employment, compensation, reward, or gift other than regular salary and
24 expenses as herein provided except with the written permission of the
25 superintendent. No member of the patrol shall perform any police duty connected
26 with the conduct of any election, nor shall any member of the patrol at any time
27 or in any manner electioneer for or against any party ticket, or any candidate for
28 nomination or election to office on any party ticket, nor for or against any
29 proposition of any kind or nature to be voted upon at any election.

30 3. Members of the patrol shall be permitted to be candidates for and
31 members or directors of the school board in any school district where they meet
32 the requirements for that position as set forth in chapter 162, RSMo. Members
33 of the patrol who become school board directors or members within the state shall
34 be permitted to receive benefits or compensation for their service to the school
35 board as provided by chapter 162, RSMo.

36 4. The superintendent may, by general order, set forth the circumstances
37 under which members of the patrol may, in addition to their duties as members
38 of the patrol, be engaged in secondary employment.

57.010. 1. At the general election to be held in 1948, and at each general
2 election held every four years thereafter, the voters in every county in this state
3 shall elect some suitable person sheriff. No person shall be eligible for the office
4 of sheriff who has been convicted of a felony. Such person shall be a resident
5 taxpayer and elector of said county, shall have resided in said county for more
6 than one whole year next before filing for said office and shall be a person capable
7 of efficient law enforcement. When any person shall be elected sheriff, such
8 person shall enter upon the discharge of the duties of such person's office as chief
9 law enforcement officer of that county on the first day of January next succeeding
10 said election.

11 2. Beginning January 1, 2003, any sheriff who does not hold a valid peace
12 officer license pursuant to chapter 590, RSMo, shall refrain from personally
13 executing any of the police powers of the office of sheriff, including but not limited

14 to participation in the activities of arrest, detention, vehicular pursuit, search and
15 interrogation. Nothing in this section shall prevent any sheriff from
16 administering the execution of police powers through duly commissioned deputy
17 sheriffs. This subsection shall not apply:

18 (1) During the first twelve months of the first term of office of any sheriff
19 who is eligible to become licensed as a peace officer and who intends to become
20 so licensed within twelve months after taking office, **except this subdivision**
21 **shall not be effective beginning January 1, 2010;** or

22 (2) To the sheriff of any county of the first classification with a charter
23 form of government with a population over nine hundred thousand.

306.227. Patrolmen and radio personnel of the water patrol shall not be
2 less than twenty-one years of age. No person shall be appointed as commissioner
3 or as a member of the patrol or as a member of the radio personnel who:

4 (1) Has been convicted of a felony or any crime involving moral turpitude,
5 or against whom any indictment or information may then be pending charging the
6 person with having committed a crime;

7 (2) Is not of good character;

8 (3) Is not a citizen of the United States;

9 (4) At the time of appointment is not a citizen of the state of Missouri;

10 (5) [Is not a graduate of an accredited four-year high school or in lieu
11 thereof] **Has not completed a high school program of education under**
12 **chapter 167, RSMo, or has not obtained a General Educational**
13 **Development (GED) certificate [of equivalency from the state department of**
14 **elementary and secondary education or other source recognized by such**
15 **department], and who has not obtained advanced education and**
16 **experience as approved by the commissioner;** or

17 (6) Does not possess ordinary physical strength, and who is not able to
18 pass the physical and mental examination that the commissioner prescribes.

590.030. 1. The POST commission shall establish minimum standards for
2 the basic training of peace officers. Such standards may vary for each class of
3 license established pursuant to subsection 2 of section 590.020.

4 2. The director shall establish minimum age, citizenship, and general
5 education requirements and may require a qualifying score on a certification
6 examination as conditions of eligibility for a peace officer license. **Such general**
7 **education requirements shall require completion of a high school**
8 **program of education under chapter 167, RSMo, or obtainment of a**

9 **General Education Development (GED) certificate.**

10 3. The director shall provide for the licensure, with or without additional
11 basic training, of peace officers possessing credentials by other states or
12 jurisdictions, including federal and military law enforcement officers.

13 4. The director shall establish a procedure for obtaining a peace officer
14 license and shall issue the proper license when the requirements of this chapter
15 have been met.

16 5. As conditions of licensure, all licensed peace officers shall:

17 (1) Obtain continuing law enforcement education pursuant to rules to be
18 promulgated by the POST commission; and

19 (2) Maintain a current address of record on file with the director.

20 6. A peace officer license shall automatically expire if the licensee fails to
21 hold a commission as a peace officer for a period of five consecutive years,
22 provided that the POST commission shall provide for the relicensure of such
23 persons and may require retraining as a condition of eligibility for relicensure,
24 and provided that the director may provide for the continuing licensure, subject
25 to restrictions, of persons who hold and exercise a law enforcement commission
26 requiring a peace officer license but not meeting the definition of a peace officer
27 pursuant to this chapter.

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